

**GALLATIN LOCAL WATER QUALITY DISTRICT
MEETING MINUTES - FINAL
April 1, 2010**

BOARD MEMBERS PRESENT:

Cyndy Andrus
Randy Carpenter
Kathy Gallagher
Dave Hebner
Gretchen Rupp, Vice-Chair

GLWQD STAFF PRESENT:

Alan English, Manager
Tammy Crone, Water Quality Specialist
Baker Lyon, Water Quality Specialist

BOARD MEMBERS EXCUSED:

Mark Criner
Tony Haag
Sherwin Leep, Board Chair
Steve White, Secretary

BOARD LIAISONS PRESENT:

Sean O'Callaghan, Planning Dept.

PUBLIC AND GUESTS:

Doug Daniels

I. CALL TO ORDER

Vice-Chair Gretchen Rupp called the meeting to order at 8:28 a.m.

II. INTRODUCTION OF NEW BOARD MEMBERS

Gretchen Rupp introduced new board member Randy Carpenter, Bozeman City At-Large Representative.

III. APPROVAL OF MARCH 4, 2010 MEETING MINUTES

A motion, to approve the minutes of the March 4, 2010 Board meeting as presented, was made by Kathy Gallagher. Cyndy Andrus seconded. The motion passed unanimously.

ROLL CALL:

For

Against

Abstain

Cyndy Andrus
Randy Carpenter
Dave Hebner
Kathy Gallagher
Gretchen Rupp

IV. PUBLIC COMMENT:

No general public comment was made on non-agenda items.

V. PUBLIC HEARING AND DECISION ON RESOLUTIONS OF INTENT TO CHANGE THE NORTHERN BOUNDARY OF THE GALLATIN LOCAL WATER QUALITY DISTRICT

- a. **Staff Report** The District Manager, Alan English described the Board's powers to change the boundary and the associated process. The Manager discussed previous boundary change history. Please see the Manager's Staff Report for specifics of the northern boundary expansion extent, including a legal description, particularly as compared to the previous boundary expansions. The northern boundary expansion is motivated by water quality concerns due to increasing development north of Dry Creek Road, and significant water quality concerns in Logan.
- b. **Public Comment** Mr. Doug Daniels, resident of the proposed northern expansion area provided public comment on this proposal. He cited existing government agencies active in water quality and sees the GLWQD as duplication. He is unaware of major water concerns in the area. Mr. Daniels expressed a belief that the LWQD has regulatory ability which would be beyond necessity. He expressed concerns that the postcard used in prior public notice did not include a protest form, and that material available on the internet challenge technologically dis-inclined individuals. He would like postage and protest form to be included in the mailing. Rather than the current format, Mr. Daniels would prefer that the expansion be achieved by request/proponents rather than approved by lack of opponents. He is concerned that statute may allow increased regulatory purview instead of simply data collection.

Gretchen Rupp and Alan English discussed lengths reached in previous expansion to provide information, maps and protest form in multiple formats to residents of expansion areas. Kathy Gallagher expressed a desire to post additional information as a courtesy at public buildings within the expansion area.

- c. **Board Discussion and Decision** Gretchen Rupp reiterated the Board of Health's interest in and concern for water quality issues and support for the inclusion of Logan in the District. Cyndy Andrus requested a brief history of the northern boundary, and questioned why it followed township lines rather than section lines. This boundary expansion would be a change to that practice.

Manager English suggested that water quality data must be collected in anticipation of development, rather than reactively following development or the occurrence of water problems. Kathy Gallagher requested the Manager address the regulatory capabilities of the District: The District was established as a non-regulatory department of Gallatin County government and has never had regulatory or enforcement powers in its history. The District was formed and its purview approved by the Montana Board of Environmental Review. A change to regulatory scope of work would necessitate Gallatin County Commission and Board of Environmental Review permissions. At present, the District's regulatory power is limited to particular water quality cases if, and only if, given specific authority for enforcement by DEQ (ARM 17.30.1807). This power has never been exercised by the District.

Dave Hebner requested information regarding the previously-received protest telephone calls. Commissioners Steve White and Bill Murdock received calls during the previous expansion protest period from home owners in the Sedan area, however they did not keep formal records. Alan English maintained a formal log of 50-60 phone calls regarding previous expansion. Many of these calls were outside expansion area or simply seeking information. Some callers requested protest forms.

Kathy Gallagher made a motion to approve Resolution of Intent No. 2010-06: Intent To Change Gallatin Local Water Quality District Boundary – Northern Expansion. Randy Carpenter seconded. The Resolution was approved unanimously.

ROLL CALL:	For	Against	Abstain
	Cyndy Andrus		
	Randy Carpenter		
	Dave Hebner		
	Kathy Gallagher		
	Gretchen Rupp		

VI. APPROVAL OF DRAFT LETTER TO MONTANA DOR ON BOUNDARY EXPANSIONS

The District desires to begin work in newly approved expansion areas, but awaits placement of the fee on tax bills by the Montana Department of Revenue. The Manager hopes to encourage expedient assessment of these fees to allow work to begin in 2010, but the DOR “may not be required to levy or compute a tax for any new taxing jurisdiction” (MCA 15-10-321), such as South and West boundary expansions, if the resolution was approved after January 1. The South and West expansions were approved on February 22, 2010. However, there also exists precedent that water quality district fees be levied in the month of district creation. MCA 7-13-4524 states that “the month the local water quality district is created...the department of revenue or its agents shall ensure that the amount of the fees is placed on county tax assessments.” The board requested that the letter be copied to the County Treasurer’s office and County Commission.

Kathy Gallagher made a motion to approve the letter to the Montana DOR. Cyndy Andrus seconded the motion. The motion was approved unanimously.

ROLL CALL:	For	Against	Abstain
	Cyndy Andrus		
	Randy Carpenter		
	Dave Hebner		
	Kathy Gallagher		
	Gretchen Rupp		

*Kathy Gallagher requested a change to the noticed agenda that all issues requiring a board vote be addressed first.

VII. APPROVAL OF AMENDMENT TO SUBDIVISION REVIEW POLICY

Although the LWQD has always addressed potential impacts to ground water, the Manager expressed a desire to explicitly include ground water concerns in subdivision review criteria.

Kathy Gallagher made a motion to approve the amendment. Randy Carpenter seconded. The amendment was approved unanimously.

ROLL CALL:	For	Against	Abstain
	Cyndy Andrus		
	Randy Carpenter		
	Dave Hebner		
	Kathy Gallagher		
	Gretchen Rupp		

VIII. APPOINTMENT OF SUBCOMMITTEE FOR MANAGER'S ANNUAL REVIEW

Board members Kathy Gallagher and Sherwin Leep volunteered to conduct the Manager's Annual Review.

*Kathy Gallagher excused herself from the meeting at 9:17

IX. STAFF UPDATE:

The Manager provided an overview of District activities in the last month, attached as the Staff Update.

X. DISCUSSION OF FISCAL YEAR 2010 AND 2011 DISTRICT BUDGETS

Due to time constraints in the last month, and as-yet unknown numbers, the budget discussion will be delayed until the May meeting.

XI. OTHER BUSINESS

Dave Hebner expressed an interest that the District become more involved in Logan as very little has progressed since the District held a meeting there last year. Gretchen Rupp relayed that the Board of Health recently compelled the railroad to address its waste water issues in Logan, which may initiate opportunities for public waste water infrastructure. She suggested that the Board of Health take the lead and the District occupy a more advisory role.

*Randy Carpenter excused himself from the meeting at 9:53am.

XII. AGENDA FOR NEXT MEETING:

Resolution 2010-07 to Change the Boundary of the Gallatin Local Water Quality District.
LWQD Program in new area for DEQ Board of Environmental Review
Discussion of Fiscal Year 2010 and 2011 District Budgets
Update to LWQD Workplan

Next meeting scheduled for Friday, May 14, 2010 at 8:15 am in the Community Room, Gallatin County Courthouse, 311 West Main Street, Bozeman, Montana.

The meeting was adjourned at 9:55 a.m.

Respectfully Submitted,

Sherwin Leep, Chair

Date

Steve White, Secretary

Date

Alan English, District Manager

Date